

**November 18, 2020**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

***BOARD OF SUPERVISORS  
REGULAR MEETING  
PLANNING AND LAND USE MATTERS***

**COUNTY OF SAN DIEGO**

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, NOVEMBER 18, 2020, 9:00 AM**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

- A. REGULAR SESSION: Meeting was called to order at 9:00 a.m.

PRESENT: Supervisors Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob; Kristin Gaspar; Nathan Fletcher; also, Andrew Potter, Clerk of the Board of Supervisors.

(Please note, California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, all members of the Board of Supervisors attended the meeting via teleconference and participated in the meeting to the same extent as if they were present.)

- B. Closed Session Report
- C. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.
- D. Approval of the Statement of Proceedings/Minutes for the meeting of October 28, 2020.

**ACTION:**

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 28, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- E. Formation of Consent Calendar
- F. Discussion Items

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

## **Board of Supervisors' Agenda Items**

- | <b>Agenda #</b> | <b>Subject</b>   |
|-----------------|--|
| 1.              | ADMINISTRATIVE ITEM:<br>SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:<br>AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY<br>OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED<br>TO LIGHT POLLUTION (POD 19-006) (10/28/20 - FIRST READING;<br>11/18/20 - SECOND READING)   |
| 2.              | NOTICED PUBLIC HEARING:<br>BONSALL CAREFIELD ASSISTED LIVING FACILITY REZONE,<br>SITE PLAN, AND ENVIRONMENTAL DOCUMENT, LOCATED IN<br>THE BONSALL COMMUNITY PLAN AREA  |
| 3.              | NOTICED PUBLIC HEARING:<br>SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:<br>SET A HEARING TO CONSIDER ADOPTION OF WATER RATE<br>AND HOLD HEARING TO ADOPT FEE ORDINANCE FOR<br>PROVISION OF WATER SERVICE BY COUNTY SERVICE AREA 137<br>[FUNDING SOURCES: PROPOSED WATER SERVICE CHARGES<br>TO USER AND A TRANSFER FROM THE DEPARTMENT OF<br>PUBLIC WORKS GENERAL FUND BASED ON EXISTING<br>APPROPRIATIONS OF AVAILABLE PRIOR YEAR GENERAL FUND<br>FUND BALANCE FOR THE LIVE OAK SPRINGS WATER SYSTEM,<br>AS APPROVED BY THE BOARD OF DIRECTORS ON DECEMBER<br>10, 2019 (23)]<br>(4 VOTES) |
| 4.              | NOTICED PUBLIC HEARING:<br>OTAY RANCH RESORT VILLAGE 13 GENERAL PLAN<br>AMENDMENT, SPECIFIC PLAN, ZONE RECLASSIFICATION,<br>VESTING REPLACEMENT TENTATIVE MAP, SITE PLAN AND<br>ENVIRONMENTAL DOCUMENT, LOCATED IN THE OTAY<br>SUBREGIONAL PLAN AREA   |
| 5.              | ADMINISTRATIVE ITEM:<br>NOTICED PUBLIC HEARING:<br>SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN<br>ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN<br>DIEGO COUNTY CODE TO PROVIDE CLARITY AS TO THE USE,<br>REGULATION, AND RELEASE OF LIEN CONTRACTS AS<br>SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS<br>AND TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO<br>ACREAGE   |
| 6.              | SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES,<br>COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY<br>CODE PROVISIONS APPLICABLE TO THE LAND USE AND<br>ENVIRONMENT GROUP  |

7. AN ORDINANCE AMENDING TITLE 9, DIVISION 7, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES (COUNTY GREEN BUILDING CODE) RELATED TO INCREASING WATER EFFICIENCY IN NEW RESIDENTIAL DEVELOPMENT (11/18/2020 - 1st Reading; 12/09/2020 - 2nd Reading)
8. NOTICED PUBLIC HEARING:  
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO WAIVE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH RENEWABLE ENERGY PROJECTS (11/18/2020 - 1st Reading; 12/9/2020 - 2nd Reading)  
[FUNDING SOURCE: GENERAL FUND FUND BALANCE]
9. ADMINISTRATIVE ITEM:  
NOTICED PUBLIC HEARING:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:  
ADMINISTRATIVE ACTIONS AND ORDINANCES TO RETITLE THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND IMPLEMENT ASSOCIATED ORGANIZATIONAL CHANGES
10. STATE ROUTE 125 FREEWAY MAINTENANCE AGREEMENT
11. GENERAL SERVICES AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE PURCHASE AND INSTALLATION OF A MODULAR BUILDING AT SAN YSIDRO FIRE STATION #29  
[FUNDING SOURCES: APCD FUND BALANCE AND ENVIRONMENTAL PROTECTION ACT SECTION 103 NEAR ROADWAY MONITORING GRANT]
12. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE BRADLEY AVENUE WIDENING PROJECT, ADOPT A RESOLUTION REQUESTING SANDAG TO PROVIDE ADVANCE PROJECT FUNDING, AND APPROVE A REIMBURSEMENT AGREEMENT WITH HELIX WATER DISTRICT FOR PROJECT UTILITY RELOCATION  
[FUNDING SOURCES: REVENUE FROM TRANSNET AND HELIX WATER DISTRICT]  
(4 VOTES)
13. GENERAL SERVICES ADOPT A RESOLUTION TO SUMMARILY VACATE A FLOWAGE EASEMENT, AND OFFERS OF DEDICATION FOR PUBLIC TRAILS, DRAINAGE AND ACCESS EASEMENTS OVER PORTIONS OF MAP NO. 15428 AND MAP NO. 15830 IN THE VALLEY CENTER AREA (VACATION NO. 2020-0014-A, 2020-0014-B AND 2020-0014-C)  
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]

14. ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE PER CAPITA GRANT PROGRAM FOR PROPOSITION 68  
[FUNDING SOURCE: EXISTING GENERAL-PURPOSE REVENUE IN THE DEPARTMENT OF PARKS AND RECREATION]
15. ADOPT THE IMPLEMENTATION PLAN COMPONENT OF THE LOCAL COASTAL PROGRAM AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION; AND RELATED ZONING ORDINANCE AMENDMENTS
16. PUBLIC COMMUNICATION

**1. SUBJECT: ADMINISTRATIVE ITEM:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:  
AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY OF  
SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO  
LIGHT POLLUTION (POD 19-006) (DISTRICTS: 2 AND 5) (10/28/20 -  
FIRST READING; 11/18/20 - SECOND READING)**

**OVERVIEW**

On October 28, 2020 (1), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on November 18, 2020.

Dark skies are important to rural community members, businesses and to astronomers because they encourage tourism and allowing astronomers to have clearer views of the stars and planets. The International Dark Sky Association (IDA) defines an International Dark Sky Community (IDSC), “as a town, city, municipality, or other similar political entity that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of quality lighting policies, dark sky education, and citizen support of the ideal of dark skies.” Borrego Springs is the only IDSC within California and received this designation in 2008. Since the 1980s, the County of San Diego (County) Code of Regulatory Ordinances, Light Pollution Chapter has been protecting night skies for the enjoyment of San Diego residents, visitors, businesses, and the Palomar and Mount Laguna observatories.

The Light Pollution Chapter established two zones within the unincorporated county: Zone A and Zone B, each with different outdoor lighting standards. Zone A encompasses a 15-mile radius area around the Palomar and Mount Laguna observatories and includes additional shielding and other lighting restrictions than in Zone B. There are three different light classes within the Light Pollution Chapter. Class I covers commercial lighting; Class II covers safety and security lighting; and Class III covers decorative and aesthetic lighting. Zones A and B have different requirements within each class with Zone A being the more protective of night skies.

In 2018, the Julian Dark Sky Network, a local organization whose mission is to preserve the dark skies of Julian, made a request to Planning & Development Services (PDS) to update the Light Pollution Chapter to provide a path for Julian to meet the minimum standards as an IDSC by the IDA. PDS staff included a recommendation in the 2019 Zoning Ordinance Clean Up for Julian to be added to Zone A that includes restrictions on lighting. At the January 25, 2019 Planning Commission hearing, the Commission requested staff amend the Light Pollution Chapter to meet the most recent IDSC standards, which differed from both Zone A and B existing standards. Additionally, Borrego Springs has requested to be included in the effort to update light pollution standards.

Today’s proposed action will amend the Light Pollution Chapter to add a new Zone C that will apply to the Julian and Borrego Springs Community Planning Areas (CPAs) and support Julian in becoming an IDSC and to update Borrego Springs’ light pollution standards. The proposed changes include new lighting standards to decrease light pollution by regulating light shielding, light levels, light color, and sign illumination. The update includes clean up language that will apply to all zones to reduce redundancy and remove outdated information.

The proposed ordinance amendments will provide residents and businesses within the Julian and Borrego Springs CPAs with a 10-year grace period to comply with Zone C standards, as well as a five-year grace period to bring County-owned lighting into compliance with the new standards. These transition periods are based on IDA guidelines for IDSCs. If the Board of Supervisors (Board) takes the actions recommended for October 28, 2020, then on November 18, 2020, it is requested that the Board consider and adopt the amended Title 5, Division 1, Chapter 2 of the San Diego County related to Light Pollution (second reading).

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt the ordinance amending: AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO LIGHT POLLUTION (POD 19-006) (Attachment A, on file with the Clerk of the Board).

#### **FISCAL IMPACT**

There is no fiscal impact associated with adoption of the ordinance related to light pollution. There will be no change in net General Fund cost and no additional staff years.

If approved, this request may result in increased code compliance calls related to lighting beginning as early as January 2021 when the Code will go into effect, however there is no additional costs or revenue in Fiscal Year (FY) 2021-22. Costs to respond to these calls is estimated to be \$20,000 for FY 2021-22. The proposed funding source is General Purpose Revenue and will be included in future Operational Plans. Future years' costs will be determined on an annual basis during and at the conclusion of the 10-year grace period provided to residents and businesses to comply with new Zone C standards to reassess costs for inspection and resolution. There will be no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

Per the proposed ordinance amendment and the International Dark Sky Association's (IDA) minimum standards, businesses within the Julian and Borrego Springs communities will have up to 10 years to incorporate new lighting requirements. Certain existing lighting, such as low-pressure sodium lights, comply with the proposed Light Pollution Chapter amendment and will not require replacement. For businesses that are out of compliance, the estimated costs for incorporating the new lighting requirements are different for various situations. For a residential property located in a rural area, the cost is estimated to be between \$50 to \$460; for a neighborhood retail store, between \$110 - \$2,600; for a hotel, between \$580 to \$9,500; and for one traditional-style streetlight located on Julian's Main Street, between \$150 to \$2,000. Many of these costs would be incurred even without the code amendment with the replacement of lighting sources and fixtures that reach the end of their useful lives within the same 10-year period.

#### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10691 (N.S.), entitled: AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO LIGHT POLLUTION (POD 19-006).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**2. SUBJECT: NOTICED PUBLIC HEARING:  
BONSALL CAREFIELD ASSISTED LIVING FACILITY REZONE,  
SITE PLAN, AND ENVIRONMENTAL DOCUMENT, LOCATED IN  
THE BONSALL COMMUNITY PLAN AREA (DISTRICT: 5)**

**OVERVIEW**

This is a request for the Board of Supervisors to consider a Rezone, Site Plan, and environmental document for the proposed Bonsall Carefield Assisted Living Facility project (Project). The Project is a 74,000-square-foot assisted care facility in the Bonsall Community Plan area. The 3.9-acre project site is vacant property located at Thoroughbred Lane and Mission Road, and is currently zoned for Office Professional use. The Project includes 86 beds in 56 assisted living units and 24 memory care units, with 41 staff members. The facility will also include amenities such as an outdoor swimming pool, a bocce field, an outdoor dining area, and two gardens.

The Project is consistent with the General Plan land use designation, Office Professional, however it requires a zone reclassification from Office Professional use to Medical Center Use Regulations to allow the assisted living use. The proposed use is allowed with the approval of a site plan. The Project site is currently zoned with two building heights: "C," which allows for a maximum building height of 25 feet, and "G," which allows for a maximum building height of 35 feet. The zone reclassification will change the building height designator to "G," to allow for a consistent maximum building height of 35 feet for the entire property.

**RECOMMENDATION(S)  
PLANNING COMMISSION**

On September 18, 2020, the Planning Commission considered the Bonsall Carefield Assisted Living Facility and made the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings, which includes a Mitigated Negative Declaration pursuant to California Environmental Quality Act guidelines (Attachment A, on file with the Clerk of the Board).
2. Adopt the Ordinance entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE BONSALL COMMUNITY PLAN AREA, REF: PDS2019-REZ-19-001 (Attachment B, on file with the Clerk of the Board).
3. Approve Site Plan PDS2019-STP-19-005, which imposes the requirements and conditions stated in the Site Plan Form of Decision (Attachment C, on file with the Clerk of the Board).



## **DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) concurs with the recommendations made by the Planning Commission, and makes one additional recommendation to the Board of Supervisors (Board):

Require the applicant to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require Thoroughbred Lane, LLC to provide security in the amount of \$350,000, either as an irrevocable letter of credit or bond (whichever is acceptable to County Counsel), within 10 days of litigation being filed (Attachment D, on file with the Clerk of the Board).

### **FISCAL IMPACT**

N/A

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION:**

Noting for the record that an Errata has been submitted revising Attachment A-Environmental Documents to remove references to reliance on the County's Climate Action Plan (CAP) due to rescission of the CAP, noting that no new significant effects are identified and no new mitigation measures are required; ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10692 (N.S.), entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE BONSALL COMMUNITY PLAN AREA, REF: PDS2019-REZ-19-001.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: NOTICED PUBLIC HEARING:  
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:  
SET A HEARING TO CONSIDER ADOPTION OF WATER RATE AND  
HOLD HEARING TO ADOPT FEE ORDINANCE FOR PROVISION OF  
WATER SERVICE BY COUNTY SERVICE AREA 137 (DISTRICT: 2)**

### **OVERVIEW**

On October 28, 2020 (7), the Board of Supervisors set a Hearing and introduced the Ordinance for further Board and consideration on November 18, 2020.

The Live Oak Springs Water Company (Water Company) is a small privately-owned water system serving approximately 300 people in the unincorporated community of Boulevard, located in southeast San Diego county. The community is designated as a disadvantaged community based on median household income as reported by the California Department of Water Resources. The water system serves 89 residential connections and 2 commercial connections. The system consists of approximately two miles of buried water mains, one groundwater well and pump, three 20,000-gallon water storage tanks, and various pumps and appurtenances.

The Water Company's owner filed for bankruptcy in 2013 and the bankruptcy trustee attempted for several years to locate a buyer. With no buyers available and the system in disrepair, the County of San Diego (County) entered into an agreement with the trustee to take over as the water system's operator on September 19, 2019, with the intention of purchasing the water system in Fiscal Year (FY) 2020-21 and assuming water service responsibilities for the affected landowners and/or residents.

In anticipation of acquisition of the water system, a County Service Area (CSA No. 137) was formed to enable the County to provide water service to area residents. The Board of Supervisors acts as the governing authority of the CSA and is responsible for adopting an annual budget, establishing annual appropriations, and setting and collecting fees and charges for services provided. The County committed to establishing water rates in the acquisition agreement approved by the bankruptcy court. Water rates will provide the revenue for ongoing operations and maintenance of the system. The formation of CSA No. 137 was determined to be the most appropriate governance mechanism for the County to provide water service. As a condition of formation, San Diego Local Agency Formation Commission (LAFCO) has required the County to identify a source of revenue for CSA No. 137.

The proposed Ordinance Establishing Fees and Charges for Water Service for the Live Oak Springs Water System includes a three-year schedule of water service charges, a rate for bulk water purchases, and a schedule of fees for account activation, service connection and shutoff, and annexation to the CSA. Water service charges were developed based on the projected costs to provide service, including labor, equipment, supply, utility, laboratory, and permitting costs. Costs for the initial repair and replacement of degraded infrastructure and establishing emergency reserves are not included in the water service charges at this time. Funding for the repair and replacement of degraded water system infrastructure has been provided through \$2.7 million of appropriations from the General Fund fund balance in the DPW General Fund for the Water System, as approved by the Board on December 10, 2019 (23). Funds of \$1.8 million were included in the FY 2020-21 Operational Plan in the Department of Public Works, General Fund for Water System improvements, and additional funds of \$3.8 million will be requested in future fiscal years based on available prior year General Fund fund balance. The total one-time cost to fund the anticipated repair and replacement of the degraded water system infrastructure and to establish emergency reserves is \$8.3 million.

Today's request is for the Board to introduce and subsequently adopt the Ordinance Establishing Fees and Charges for Water Service for the Live Oak Springs water system and adopt the County Water Ordinance; set a public hearing regarding the adoption of fees and receive any written protests in compliance with Proposition 218; waive Board Policy B-29 and establish a new fund and appropriations for the operation of CSA 137. Upon completion of the recommended actions, the Clerk of the Board shall file a certified copy of the adopted ordinances with the San Diego LAFCO.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Conduct a public hearing to receive written protests from property owners and tenants of parcels within County Service Area No. 137.

2. If the Clerk verifies that any written protests received represent less than half of the parcels, submit for consideration and adoption (second reading) the ordinance entitled: AN ORDINANCE OF THE COUNTY OF SAN DIEGO ESTABLISHING FEES AND CHARGES FOR THE PROVISION OF WATER SERVICE BY COUNTY SERVICE AREA NO. 137 (LIVE OAK SPRINGS WATER SYSTEM).
3. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery for costs related to repairing and improving the degraded water infrastructure and establishing emergency reserve fund.
4. Direct the Chief Financial Officer/Auditor and Controller to establish an interest-bearing Special Revenue Fund for CSA No. 137 - Live Oak Springs Water System.
5. Establish appropriations of \$75,150 in the CSA No. 137 - Live Oak Springs Water System Fund Services & Supplies for 6 months of water operations and maintenance, based on 6 months of revenue from user fees. **(4 VOTES)**
6. Transfer appropriations of \$2,993,629 within the Department of Public Works General Fund (Org 50875), from Services & Supplies to Operating Transfer Out.
7. Establish appropriations of \$2,993,629 in the CSA No. 137 - Live Oak Springs Water System Fund Services & Supplies (\$1,193,629) for major maintenance, and in Capital Assets (\$1,800,000) for water operations and maintenance, based on an Operating Transfer In from the Department of Public Works General Fund. **(4 VOTES)**

#### **FISCAL IMPACT**

The funding sources are proposed water service charges to user (\$75,150) and a transfer from the Department of Public Works General Fund (\$2,993,629) based on existing appropriations of available prior year General Fund fund balance for the Live Oak Springs Water System, as approved by the Board on December 10, 2019 (23).

Future years ongoing cost and revenue of \$154,900 in FY 2021-22 and \$159,600 in FY 2022-23 will be included in future years Operational Plans in the CSA No. 137 - Live Oak Springs Water System Fund for operations based on proposed water service charges to users. Additionally, one-time costs of \$3.8 million through FY 2022-23 will support the initial repair and improvement of degraded water infrastructure and emergency reserves. Costs and revenue will be included in future years Operational Plans. There will be no additional staff years.

A waiver of Board Policy B-29 is requested for costs related to repair and improvement of degraded water infrastructure and emergency reserves. The total unrecovered cost per Board Policy B-29 is approximately \$8.3 million through FY 2022-23 and will be funded by existing appropriations in the DPW General Fund based on available prior year General Fund fund balance (\$2,993,629) and future appropriations of one-time funds.

#### **BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

Noting for the record that five written protests received represent less than half of the parcels and there was not a majority protest; ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, adopting Ordinance No. 10693 (N.S.), entitled: AN ORDINANCE OF THE COUNTY OF SAN DIEGO ESTABLISHING FEES AND CHARGES FOR THE PROVISION OF WATER SERVICE BY COUNTY SERVICE AREA NO. 137 (LIVE OAK SPRINGS WATER SYSTEM).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: NOTICED PUBLIC HEARING:  
OTAY RANCH RESORT VILLAGE 13 GENERAL PLAN  
AMENDMENT, SPECIFIC PLAN, ZONE RECLASSIFICATION,  
VESTING REPLACEMENT TENTATIVE MAP, SITE PLAN AND  
ENVIRONMENTAL DOCUMENT, LOCATED IN THE OTAY  
SUBREGIONAL PLAN AREA (DISTRICT: 1)**

**OVERVIEW**

The Otay Ranch Resort Village 13 project (Project) is a mixed-use community located on a 1,869-acre site that consists of 1,938 residential units, 40,000 square feet of commercial uses, a 10.1-acre school site, 25.1 acres of public/private parks, a 6.1 acre homeowners' association (HOA) neighborhood facility, a 2.3-acre joint use site for a fire station and sheriff storefront, 9.0 miles of multi-use community trails and pathways, 790.3 acres of preserve/open space land to be conveyed to Otay Ranch Resource Management Plan (RMP) Preserve, an additional 69.3 acres of biological open space, and 76.4 acres of internal open space. The site is located east of State Route 125 (SR-125) and west of State Route 94 (SR-94), approximately 0.25 mile east of the City of Chula Vista and 12 miles southwest of the community of Jamul, within the Otay Subregional Plan Area.

Today's requested action is for the Board of Supervisors (Board) to consider amending the San Diego County General Plan Land Use Element, Mobility Element, and the combined Otay Ranch General Development Plan/Otay Subregional Plan. This is also a request for the Board to approve the associated implementing actions, such as a Specific Plan, Zone Reclassification, Vesting Replacement Tentative Map, Site Plan and environmental document. The amendment to the Land Use Element of the General Plan and the Zone Reclassification are required to align the boundaries of the proposed development with the boundaries of the General Plan Regional Categories and Land Use Designations. The Board can either approve, approve with modifications, or deny the Project.

This request represents the second amendment of the General Plan Land Use Element and Mobility Element to be considered by the Board in 2020. Government Code Section 65358(b) allows each mandatory element of a General Plan to be amended up to four times during a calendar year. Subject to that limitation, an amendment may be made at any time and each amendment may include more than one change to the General Plan.

**RECOMMENDATION(S)**  
**PLANNING COMMISSION**

On April 17, 2020, the Planning Commission considered the Otay Ranch Resort Village 13 project (Project) and made the following recommendations to the Board of Supervisors:

1. Adopt the California Environmental Quality Act (CEQA) Findings, which include the certification and findings regarding significant effects of the Project, the mitigation and monitoring program, the Statement of Overriding Considerations; and certify the Environmental Impact Report (EIR), REF: PDS2004-3910-04-19-005 for the reasons stated therein and discussed in this report (Attachment A, on file with the Clerk of the Board).
2. Adopt the Resolution entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) PDS2004-3800-04-003 for the reasons stated therein and discussed in this report (Attachment B, on file with the Clerk of the Board).
3. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN PDS2004-3810-04-002 for the reasons stated therein and discussed in this report (Attachment C, on file with the Clerk of the Board--).
4. Adopt the attached Form of Ordinance An Ordinance Changing the Zoning Classification of Certain Property Within THE OTAY RANCH GENERAL DEVELOPMENT PLAN/OTAY SUBREGIONAL PLAN AND THE JAMUL/DULZURA SUBREGIONAL PLAN AREA, REF: PDS2004-3600-04-009 (Attachment D, on file with the Clerk of the Board).
5. Adopt the Resolution entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING VESTING REPLACEMENT TENTATIVE MAP NO. PDS2019-VTM-5361 RPL1. This Resolution makes the required findings and imposes the requirements and conditions of approval necessary to ensure that the Project is implemented in a manner consistent with State law and County of San Diego regulations (Attachment E, on file with the Clerk of the Board).
6. Grant Vesting Site Plan PDS2019-STP-19-033, which makes the findings and imposes the requirements and conditions set forth in the Site Plan Form of Decision (Attachment F, on file with the Clerk of the Board).

**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) concurs with all the Planning Commission's recommendations and makes the following additional recommendation to the Board:

7. Require the Baldwin & Sons, LLC and Moller Otay Lakes Investments, LLC (Applicant) to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require Baldwin & Sons, LLC and Moller Otay Lakes Investments, LLC, to provide security in the amount of \$1,000,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed (Attachment G).

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Cox seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took the following actions:

1. Adopted the California Environmental Quality Act (CEQA) Findings, which include the certification and findings regarding significant effects of the Project, the mitigation and monitoring program, the Statement of Overriding Considerations; and certify the Environmental Impact Report (EIR), REF: PDS2004 3910 04 19 005 for the reasons stated therein and discussed in this report (Attachment A, on file with the Clerk of the Board).
2. Adopted Resolution No. 20-177 entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) PDS2004-3800-04-003.
3. Adopted Resolution No. 20-178 entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN PDS2004-3810-04-002.
4. Adopted Ordinance No. 10694 (N.S.) entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE OTAY RANCH GENERAL DEVELOPMENT PLAN/OTAY SUBREGIONAL PLAN AND THE JAMUL/DULZURA SUBREGIONAL PLAN AREA, REF: PDS2004-3600-04-009.
5. Adopted Resolution No. 20-179 entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS CONDITIONALLY APPROVING VESTING REPLACEMENT TENTATIVE MAP NO. PDS2019-VTM-5361 RPL1.
6. Granted Vesting Site Plan PDS2019-STP-19-033, which makes the findings and imposes the requirements and conditions set forth in the Site Plan Form of Decision.
7. Required the Baldwin & Sons, LLC and Moller Otay Lakes Investments, LLC (Applicant) to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this Project, require Baldwin & Sons, LLC and Moller Otay Lakes Investments, LLC, to provide security in the amount of \$1,000,000 in the form of an irrevocable letter of credit or bond, in the form acceptable to County Counsel, within 10 days of litigation being filed
8. Adopted additional clarifications for the project's conditions that include:
  - Prohibiting the use of any plants listed on the "Prohibited Plant List," on all landscape plans and on private lots through the Homeowner's Association CCR's.

- Changing the word “may” to “shall” in mitigation measure M-BI-9b, Quino Management/Enhancement Plan to require all listed performance measures.
- The project shall not utilize any of the three carbon offset protocols listed by the Climate Action Reserve under the Climate Forward Program to mitigate for the project’s construction related emissions and all carbon offsets used for operational emissions must be retired within 30 years.

AYES: Cox, Jacob, Gaspar, Desmond  
 NOES: Fletcher

**5. SUBJECT: ADMINISTRATIVE ITEM:  
 NOTICED PUBLIC HEARING:  
 SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: AN  
 ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN  
 DIEGO COUNTY CODE TO PROVIDE CLARITY AS TO THE USE,  
 REGULATION, AND RELEASE OF LIEN CONTRACTS AS  
 SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS  
 AND TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO  
 ACREAGE (DISTRICTS: ALL)**

**OVERVIEW**

On October 28, 2020 (3), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on November 18, 2020.

The San Diego County Code, Title 8 (County Subdivision Ordinance) contains regulations governing the division of land into two or more lots, building sites, or other divisions in the unincorporated areas of San Diego County, as specified by the California Subdivision Map Act (California Map Act).

Under the County of San Diego (County) Subdivision Ordinance, a property owner who wants to subdivide property (Subdivider) may be required to construct and dedicate improvements for the subdivision. The County Subdivision Ordinance allows the Subdivider to delay those improvements to a future date, provided the Subdivider enters into an agreement with the County and provides security to ensure the improvements are completed. A lien contract is one type of security available to secure the Subdivider's performance by granting the County a lien on the property to be subdivided. A partial release of a lien contract, when substituted with another type of security, such as a bond, enables a Subdivider to sell or begin construction on some lots, while leaving the other lots subject to the lien contract to ensure the improvements are constructed and dedicated in the future. The California Map Act allows for the partial release of a lien if the release will not jeopardize the completion of agreed upon improvements. In contrast, the County Subdivision Ordinance provides options for the full release of a lien but is silent on a partial release.

The California Map Act also contains specific regulations related to reversions to acreage. Reversion to acreage is a method by which previously subdivided parcels are re-merged, reverting the land to an undivided parcel. This can occur when a Subdivider feels it is in their best interest to have their property free from any conditions or road improvement requirements that are associated with an approved subdivision. Unlike the California Map Act, the County

Subdivision Ordinance does not specify requirements for reversion to acreage, including what findings are necessary to approve the reversion to acreage or whether a parcel map, consisting of four or less adjoining parcels under the same ownership, may be filed to process a reversion to acreage.

Today's action is to amend the County Subdivision Ordinance to address the partial release of lien contracts consistent with the California Map Act; make minor revisions to clarify the responsibilities and authority of the County to implement lien contracts and partial lien releases; and clarify regulations for reversions.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO PROVIDE CLARITY AS TO THE USE, REGULATION, AND RELEASE OF LIEN CONTRACTS AS SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS (Attachment A, on file with the Clerk of the Board) and AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE SAN DIEGO COUNTY CODE TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO ACREAGE (Attachment C, on file with the Clerk of the Board) (second reading).

#### **FISCAL IMPACT**

There is no fiscal impact associated with adoption of the ordinance related to lien contracts for subdivision improvement agreements and reversions to acreage. There will be no change in net General Fund cost and no additional staff years.

If approved, this request will result in no additional costs, as developers will be responsible for all costs related to processing partial lien releases and reversions to acreage. Staff anticipates processing one partial lean release and one reversion to acreage per year.

#### **BUSINESS IMPACT STATEMENT**

The proposed process improvements, if approved by the Board of Supervisors (Board), will clarify the County of San Diego's ability to partially release liens and allow a property owner (Subdivider) to develop and sell some lots before the entire lien is released. In addition, if approved by the Board, the proposed process improvements will clarify regulations for reversions to acreage and allow property owners to file parcel maps containing four or fewer parcels for reversions of acreage.

#### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, adopting the following:

Ordinance No. 10695 (N.S.) entitled: AN ORDINANCE AMENDING TITLE 8, DIVISION 1 OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES TO PROVIDE CLARITY AS TO THE USE, REGULATION, AND RELEASE OF LIEN CONTRACTS AS SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS;  
and,

Ordinance No. 10696 (N.S.) entitled: AN ORDINANCE AMENDING TITLE 8, DIVISION 1, OF THE COUNTY OF SAN DIEGO CODE OF REGULATORY ODINANCES TO ALLOW SUBDIVIDED PROPERTY TO BE REVERTED TO ACREAGE.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond



**6. SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, COUNTY ADMINISTRATIVE CODE, AND COUNTY REGULATORY CODE PROVISIONS APPLICABLE TO THE LAND USE AND ENVIRONMENT GROUP (DISTRICTS: ALL)**

**OVERVIEW**

In accordance with Board of Supervisors (Board) Policy A-76, *Sunset Review Process*, the Land Use and Environment Group periodically reviews Board policies and provisions of the County of San Diego (County) Administrative Code and County Regulatory Code to ensure they reflect current Board standards and practices and that obsolete policies and Code provisions are removed.

The proposed actions include: adoption of an Ordinance amending two sections of the County Regulatory Code (Title 6 and Title 8); approval of amendments for two Administrative Code titles (XVI-C and XXIa); and approval of amendments for eleven Board Policies (A-124, I-099, I-108, I-109, I-133, I-138, J-004, J-017, J-021, J-025, J-031). The proposed action also includes approval of a new sunset review date for the policies and ordinances reviewed by this letter, but do not have recommended revisions.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with the definitions in Section 15378 (b)(5) of the California Environmental Quality Act (CEQA) Guidelines, find that actions to amend the County of San Diego (County) Administrative Code, Code of Regulatory Ordinances, and Board of Supervisors Policies do not constitute a project since they are administrative actions and will not result in direct or indirect changes in the environment. Further, pursuant to CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed actions may have a significant effect on the environment for the reasons stated in the Environmental Statement.
2. Approve the introduction of the Ordinances (First Reading), read title and waive further reading of the Ordinances entitled:

**ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XVI-C RELATING TO THE FUNCTIONS OF THE SAN DIEGO COUNTY FISH AND WILDLIFE ADVISORY COMMISSION.**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XXIa RELATING TO THE RULES OF CONDUCT AND PROCEDURE FOR PLANNING AND ZONING PROCESS TO UPDATE THE PROCESS OF HOW HEARINGS ARE RECORDED AND TO CONVEY THAT RECORDED HEARINGS ARE READILY AVAILABLE TO THE PUBLIC, AND RELATED ACTIONS.**

**ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO EYE GNAT ADVISORY SERVICES.**

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO ZONING AND LAND USE REGULATIONS TO UPDATE AND CLARIFY THE PROCESS, UPDATE DEFINITIONS AND TERMS, ESTABLISH THAT THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION (DPR) WILL DETERMINE AND CONCUR WHETHER THERE IS THE NECESSARY ROUGH PROPORTIONALITY BETWEEN THE REQUIRED DEDICATION AND THE IMPACTS OF OR BENEFITS TO THE PROPOSED SUBDIVISION UNDER SECTION 81.402 (U), TO PROVIDE GREATER CLARITY AND MINOR GRAMMATICAL EDITS, AND RELATED ACTIONS.

3. Approve amendments to and establish the sunset review date of December 31, 2023 for the following Board of Supervisors (Board) Policies:
  - a. *J-017: Undergrounding of Existing Overhead Utility Facilities*
  - b. *J-025: Participation by Individuals, Organizations, Private Developers, or other Jurisdictions in the Implementation of Intersection Betterments*
4. Approve amendments to and establish the sunset review date of December 31, 2027 for the following Board Policies:
  - a. *A-124: Economic Incentives*
  - b. *I-099: Expenditure and Use of Revenue for Replacement and Improvement of San Diego County Sanitation District Facilities*
  - c. *I-108: Acceptance of Surety Bonds from Developers*
  - d. *I-109: Subcommittee and Plans to Guide Development of the Otay Ranch Project*
  - e. *I-133: Support and Encouragement of Farming in San Diego County*
  - f. *I-138: Mitigation on County-Owned Land Managed by the Department of Parks and Recreation*
  - g. *J-004: Street Name Signs; Requests from Private Individuals*
  - h. *J-021: "One-Foot Strip" Road Openings*
  - i. *J-031: Placement of Transit Benches and Shelters in County-Maintained Rights of Way*
5. Establish the new sunset review date of December 31, 2027 for the following titles of the County Administrative Code that have been reviewed by staff and do not have recommended changes:
  - a. *Article XVI-D: San Diego County Parks Advisory Committee*
  - b. *Article XXIb: Planning and Environmental Review Board*

If on November 18, 2020, the Board takes the action in Recommendation 2, then on December 9, 2020:

1. Consider and adopt the Ordinances amending the San Diego County Administrative Code and San Diego County Code of Regulatory Ordinances (Second Reading).
2. Approve the new sunset review date of December 31, 2027 for the amended San Diego County Administrative Code and San Diego County Code of Regulatory Ordinances sections.

**FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinances for further Board consideration and adoption on December 9, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. **SUBJECT: NOTICED PUBLIC HEARING:  
AN ORDINANCE AMENDING TITLE 9, DIVISION 7, CHAPTER 1 OF  
THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES  
(COUNTY GREEN BUILDING CODE) RELATED TO INCREASING  
WATER EFFICIENCY IN NEW RESIDENTIAL DEVELOPMENT  
(11/18/2020 - 1st Reading; 12/09/2020 - 2nd Reading) (DISTRICTS: ALL)**

**OVERVIEW**

Sustainability is a core component of Planning & Development Services. Over the years, the department has implemented and expanded programs that incorporate sustainability within our communities. On February 14, 2018 (1), the Board of Supervisors (Board) adopted the Climate Action Plan (2018 CAP) to reduce the County of San Diego's (County) community-wide and government operations greenhouse gas (GHG) emissions. The County's 2018 CAP established GHG emission reduction targets for 2020 and 2030, consistent with the State's Global Warming Solutions Acts of 2006 (Assembly Bill 32) and 2016 (Senate Bill 32).

On December 24, 2018, the Superior Court ruled that the 2018 CAP is inconsistent with the County's General Plan and that its approval did not comply with the California Environmental Quality Action (CEQA). The Superior Court ordered the County to set aside and vacate the February 14, 2018 approvals, the certification of the 2018 CAP, and Final Supplemental Environmental Impact Report (Final SEIR). This decision was later affirmed in part by the California Court of Appeal, Fourth Appellate District (Appellate Court). The Appellate Court also ruled that the 26 greenhouse gas reduction measures in the 2018 CAP are CEQA compliant and consistent with the General Plan.

On September 30, 2020, the County rescinded the 2018 CAP and Final SEIR. The County will prepare a CAP Update and a Revised Supplemental EIR in consultation with environmental, community, and industry groups. Pending adoption of the CAP Update, the County will continue to implement the 26 greenhouse gas reduction measures identified in the 2018 CAP to reduce GHG emissions in compliance with the State's 2030 reduction target. Independent of the 2018 CAP and Final SEIR, the County is continuing to implement greenhouse gas reduction measures contained in the 2018 CAP to further sustainability as well as to meet 2030 State GHG targets consistent with Senate Bill 32.

These greenhouse gas reduction measures include the 2018 CAP Measure W-1.1, Increase Water Efficiency in New Residential Development, which requires mandatory installation of water-efficient appliances, such as “Energy Star” rated appliances and plumbing fixtures in all new residential development in the unincorporated area by the end of 2020. By 2030, implementation of greenhouse gas reduction measure W-1.1 will reduce GHG emissions by 87 metric tons. In addition to these emission reduction benefits, implementation of these measures will also improve regional water quality, reduce water and energy utility costs, and improve air quality and biological resources.

To codify and implement this greenhouse gas reduction measure, adoption of the California Green Building Code (also known as “CalGreen”) recommended voluntary standards (also known as “Tier 1”) is necessary. State law allows local governments to make additions, modifications, and deletions, through local amendments when they are reasonably necessary because of local climatic, geological, and topographical conditions.

Today’s request is the first reading to consider the adoption of the proposed ordinance to codify and implement greenhouse gas reduction measure W-1.1. This measure requires local amendments to the County Green Building Code that County staff determined are reasonably necessary because of the county’s climatic, geological, and topographical conditions. If the Board takes the action recommended today, then on December 9, 2020, the Board can consider and adopt the proposed ordinance.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with State California Environmental Quality Act Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (Attachment A, on file with the Clerk of the Board);
2. Approve the express findings demonstrating the County of San Diego amendments to the County Green Building Code are reasonably necessary because of local climatic, geological or topographical conditions, pursuant to Health and Safety Code Section 17958.7 (Attachment B, on file with the Clerk of the Board); and
3. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Ordinance (Attachment C, on file with the Clerk of the Board), titled:

**AN ORDINANCE AMENDING TITLE 9, DIVISION 7, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES (COUNTY GREEN BUILDING CODE) RELATED TO INCREASING WATER EFFICIENCY IN NEW RESIDENTIAL DEVELOPMENT.**

If, on November 18, 2020, the Board takes action as recommended then, on December 9, 2020:

1. Consider and adopt the Ordinance Amending Title 9, Division 7, Chapter 1 of the San Diego County Code of Regulatory Ordinances (County Green Building Code) Related to Increasing Water Efficiency in New Residential Development (second reading).

2. Upon adoption of the ordinance, direct the Clerk of the Board to provide a certified copy of the adopted ordinance for the County Green Code together with the associated findings (Attachments A-D) to the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833 pursuant to Health and Safety Code Section 17958.7.

### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

There is no business impact associated with this recommendation. The changes will be addressed with comments on building plans and field inspections that the County already provide. As a result of the CalGreen Tier 1 requirements there is an increased cost for the new home construction of approximately \$300 dollars per home. The 2018 CAP Cost-Effectiveness Study prepared by The Energy Policy Initiatives Center (EPIC) at the University of San Diego School of Law found that the long-term savings resulting from utility savings would be roughly \$850 dollars per home.

### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on December 9, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. **SUBJECT: NOTICED PUBLIC HEARING:  
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY  
ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO  
WAIVE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH  
RENEWABLE ENERGY PROJECTS (11/18/2020 - 1st Reading;  
12/9/2020 - 2nd Reading) (DISTRICTS: ALL)**

### **OVERVIEW**

On August 25, 2020 (2), the Board of Supervisors (Board) approved changes to the Chief Administrative Officer Recommended Operational Plan, including a resolution adopting the County of San Diego Fiscal Year (FY) 2020-2021 Budget Resolution. The FY 2020-21 Operational Plan includes appropriations of \$620,000 for Planning & Development Services (PDS) to develop a new pilot program to waive building permit fees associated with renewable energy projects for the following permit types: (1) residential wind projects, (2) residential electric vehicle charging systems, (3) residential energy storage, and (4) residential panel upgrades associated with renewable energy, electric vehicle charging, or battery storage, and to report back to the Board.

The Green Building Incentive Program, approved by prior Board action, provides incentives to green building projects. Qualifying projects can utilize hay bale construction, increase their energy efficiency by more than 10 percent above standard design, or utilize recycled materials in their new construction. These incentives also include plan check and building permit fee waivers for small wind turbines. An amendment to the County Administrative Code is

necessary to codify the waiving of building permit fees for the following permit types: (1) residential EV charging systems, (2) residential energy storage, and (3) residential panel upgrades associated with renewable energy, EV charging, or battery storage. No amendment to the San Diego County Administrative Code is required to waive residential wind permit fees because the Board has already waived these fees.

Today's request is the first reading to consider the adoption of the proposed ordinance to codify and implement Board direction to develop a new pilot program to waive building permit fees associated with the Board-recommended renewable energy projects. These fees will be waived until the appropriated funding has been exhausted. If the Board takes the action recommended today, then on December 9, 2020, the Board can consider and adopt the proposed ordinance. If adopted on December 9, 2020 the ordinance will become effective 30 days later and fee waivers can begin on January 9, 2021. Once implemented, PDS will provide a report back to the Board on the status of the program and remaining funding within one year of implementation (in 2022) or after 50 percent of the appropriations have been used whichever is sooner.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. In accordance with State California Environmental Quality Act Guidelines Sections 15061(b)(3), 15273(a)(1), and 15273(a)(3) find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (Attachment A, on file with the Clerk of the Board);
2. Waive Board Policy B-29, Fees, Grants, and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate building permit fees, until the funding is depleted, related to renewable energy projects for the following permit types: (1) residential electric vehicle (EV) charging systems, (2) residential energy storage, and (3) residential panel upgrades associated with renewable energy, EV charging, or battery storage; and
3. Approve the introduction of the Ordinance (first reading), read the title, and waive further reading of the Ordinance, titled:

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO ELIMINATE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH RENEWABLE ENERGY PROJECTS**  
(Attachment A, on file with the Clerk of the Board).

4. Direct the Chief Administrative Officer to report back to the Board within one year of the effective date of the ordinance. The County will be monitoring spending in the fee waiver program and will also report back as funding drops below 50% to ask for direction to modify, repeal, or continue the ordinance in effect.

If, on November 18, 2020, the Board takes action as recommended then, on December 9, 2020:

Consider and adopt the Ordinance (second reading):

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO DEVELOP A PILOT PROGRAM TO ELIMINATE CERTAIN BUILDING PERMIT FEES ASSOCIATED WITH RENEWABLE ENERGY PROJECTS**  
(Attachment A, on file with the Clerk).

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan in Planning & Development Services. If approved, the costs and revenues for the renewable energy permit fees are \$620,000. A waiver of Board Policy B-29 would be required since the proposed fee waivers do not cover all the operating costs. The total unrecovered cost per Board Policy B-29 is \$620,000 in FY 2020-21 and in future years until these funds are depleted. The funding source is General Fund fund balance. There will be no increase in staff years.

### **BUSINESS IMPACT STATEMENT**

The elimination of the building permit fees associated with renewable energy would benefit the business community by reducing upfront costs, improving customer service, and providing incentives for: (1) residential wind projects, (2) residential electric vehicle (EV) charging systems, (3) residential energy storage, and (4) residential panel upgrades associated with renewable energy.

### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing and took action as recommended, introducing the Ordinance for further Board consideration and adoption on December 9, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. **SUBJECT: ADMINISTRATIVE ITEM:**  
**NOTICED PUBLIC HEARING:**  
**SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:**  
**ADMINISTRATIVE ACTIONS AND ORDINANCES TO RETITLE THE**  
**DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE**  
**DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY**  
**AND IMPLEMENT ASSOCIATED ORGANIZATIONAL CHANGES**  
**(DISTRICTS: ALL)**

### **OVERVIEW**

On October 28, 2020 (2), the Board of Supervisors set a Hearing and introduced the Ordinances for further Board consideration and adoption on November 18, 2020.

Departments within the Land Use and Environment Group (LUEG) continue to examine their operations to identify ways to reinvent and reimagine service delivery to achieve what the community needs from its programs. Several LUEG departments have reviewed their structure, operations, and service delivery to the community. In September 2012, through Board of Supervisors (Board) action, the Department of Planning & Development Services was established by incorporating staff and functions from the former Department of Planning

and Land Use and the land development review functions and staff from Department of Public Works. In 2016, the Department of Parks and Recreation reorganized their Park Planning and Development division to match park operating regions. In 2019, Department of Public Works began reorganizing their multiple financial and budget staff and functions in the programs into a departmental centralized unit for resource efficiencies. This year, the Department of Agriculture, Weights and Measures has reviewed all programs, structure and state licensure requirements for staff working in these programs. Overall, LUEG will continue to explore potential areas of unconscious bias, including working with the Department of Human Resources to review job classifications within the LUEG departments to analyze minimum qualification requirements, such as technical certifications, to determine what is necessary and where requirements could be modified to allow for greater employment opportunity. As part of this effort, the Department of Environmental Health (DEH) conducted a review of the department's structure, operations, and services to the community. This effort resulted in DEH proposing to retitle to the Department of Environmental Health and Quality (DEHQ) and implement organizational changes that are reflective of the broad spectrum of programs within the department, and help with implementation of programs, leadership recruitment, retention, and succession planning.

The proposed organizational changes would retitle the current department head to Director of Environmental Health and Quality and retitle the Assistant Director of Environmental Health to division Director of Environmental Health. As the department head, the Director of DEHQ would continue to provide overall leadership and oversight of department operations, including budget and administration, and implement strategic and innovative operational planning to maintain the department at the forefront of environmental health. The division Director of Environmental Health would retain immediate supervision over the Health Officer Programs as required under State law and focus on the implementation of programs, legislation, emerging trends, and support stakeholder engagement. State law requires that specific environmental health programs such as water quality, food safety, body art, public pools, beach and bay monitoring, and sewage spills (collectively, Health Officer Programs) are under the immediate supervision of a Director of Environmental Health who is a Registered Environmental Health Specialist.

In order to ensure that County's Administrative Code, Regulatory Code and Compensation Ordinance provisions reflect the retitling and organizational changes of the department, today's action requests Board of Supervisors consideration to: 1) amend Articles XV-A, XV-AA, and LVII of the Administrative Code, relating to DEH; 2) amend Titles 2, 5, 6 and 8 of the Regulatory Code, relating to DEH; 3) amend the Compensation Ordinance by: retitling three (3) unclassified job codes/classifications; and 4) take other actions necessary for the successful retitling and organizational changes of the department.

If approved, today's action would begin the process to amend the applicable Administrative Code, Regulatory Code, and Compensation Ordinance sections by introducing ordinances for their first reading. The ordinances would subsequently return to the Board for a second reading and adoption on November 18, 2020.

The request to retitle and implement organizational changes to the department would result in no change to levels of service, no increase to annual cost and no additional staff years. The proposed changes would continue to support the day to day operations of the department, regulatory program operations, and maintain services provided to the community.



**RECOMMENDATION(S)****CHIEF ADMINISTRATIVE OFFICER**

Consider and adopt Ordinances amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances and Compensation Ordinance (second reading).

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, ESTABLISHING THE POSITION OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY, DEFINING THE DUTIES AND AUTHORITIES OF THE DIRECTOR OF ENVIRONMENTAL HEALTH, RETITLING THE ENVIRONMENTAL HEALTH ADVISORY BOARD, THE APPOINTMENT AUTHORITY FOR THE COUNTY VETERINARIAN, AND RELATED ACTIONS;

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, DEFINING THE DUTIES AND AUTHORITIES OF THE POSITIONS OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND DIRECTOR OF ENVIRONMENTAL HEALTH, AND RELATED ACTIONS; and,

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND ESTABLISHING COMPENSATION.

**FISCAL IMPACT**

There is no fiscal impact associated with the approval of today's actions amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances, and Compensation Ordinance. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors continued the item to December 9, 2020 and directed the Chief Administrative Officer to engage representatives from the Industrial Environmental Association, BIOCUM, petitioners, former and current Department of Environmental Health employees and any other stakeholders to thoroughly review and vet the proposed Ordinance and, referred questions regarding potential issues with Government Code Section 1090 to County Counsel.

AYES: Cox, Jacob, Fletcher, Desmond  
NOES: Gaspar

**10. SUBJECT: STATE ROUTE 125 FREEWAY MAINTENANCE AGREEMENT  
(DISTRICTS: 1 & 2)**

**OVERVIEW**

In 2010, the California Department of Transportation (Caltrans) completed the construction of the State Route (SR) 125 South project. In January 2002, Caltrans and the County of San Diego (County) entered into a Freeway Agreement which stipulated certain modifications and adjustments to County roadways and non-motorized trail facilities were necessary for the completion of the SR 125 project. The agreement defined responsibilities of each of the agencies for the closure, relocation, adjustment and requirements for future maintenance of roads and trails in the unincorporated area which were affected by the project.

The SR 125 South project is complete and a comprehensive Freeway Maintenance Agreement defining the County's and Caltrans' maintenance responsibilities is necessary. Generally, the County will have maintenance responsibility for County roadway and trail facilities that are within the State right-of-way. These facilities are roads and trails located over or under the freeway. Caltrans will continue to maintain all of its freeway facilities in the right-of-way, including freeway surfaces, on and off ramps, and bridge structures.

This is a request to approve the SR 125 Freeway Maintenance Agreement to define maintenance responsibilities for State and County facilities located within the State right-of-way.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the State CEQA Guidelines because the activity involves the approval of a freeway maintenance agreement for the purpose of maintaining existing roads, trails, and similar facilities involving negligible or no expansion of existing or former use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, four copies of the SR 125 Freeway Maintenance Agreement with Caltrans.

**FISCAL IMPACT**

There is no fiscal impact associated with approval of the SR 125 Freeway Maintenance Agreement. There will be no additional costs for maintenance of the County roadway and trail facilities within the State right-of-way, as these facilities are currently maintained by the Department of Public Works and Department of Parks and Recreation. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Jacob, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**11. SUBJECT: GENERAL SERVICES AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE PURCHASE AND INSTALLATION OF A MODULAR BUILDING AT SAN YSIDRO FIRE STATION #29 (DISTRICT: 1)**

**OVERVIEW**

The San Diego County Air Pollution Control District (APCD) has arranged to install a temporary air monitoring station at the City of San Diego Fire-Rescue Department Station #29 (San Ysidro Fire Station #29), located at 198 W San Ysidro Blvd, San Diego, CA. The APCD has a fully executed Use and Occupancy Permit with the City of San Diego that allows for site access as well as for installation of a modular building in the backyard of the Fire Station. APCD is federally mandated (Title 40, Code of Federal Regulations Part 58, Appendix D, section 4.3.2, "Requirement for Near-road NO<sub>2</sub> Monitors") by the United States Environmental Protection Agency (EPA) to establish an air pollution monitoring site no more than 50 meters from the edge of a highly trafficked freeway. The site will also support the U.S. - Mexico Border 2020 Program as well as the State's Assembly Bill 617 program to measure and reduce air pollution in communities heavily impacted by air pollution. Cross-border pollution affects the population on both sides of the border, specifically those close to the border and close to the roadways to the border.

Today's request is for the Board to authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract for the purchase and installation of a modular building at the San Ysidro Fire Station #29. If approved, work is expected to begin in December 2020 with estimated completion in February 2021.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project for the purchase and installation of a modular building at the San Ysidro Fire Station #29 is exempt from the California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15301 (existing facilities) and 15306 (information collection).
2. Authorize the Director, Purchasing and Contracting to advertise and award a construction contract and to take any action authorized by Article XXIII, Section 401, et seq. of the Administrative Code, with respect to contracting for the purchase and installation of a modular building at the San Ysidro Fire Station #29.
3. Designate the Director, Department of General Services as the County Officer responsible for administering the construction contract for the purchase and installation of a modular building at the San Ysidro Fire Station #29.

**FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2020-21 Major Maintenance Capital Outlay Fund (MMCOF) for MMCOF project 1022538, Air Pollution Control District San Ysidro Site. If approved, this request will result in estimated costs and revenue of \$350,000. The funding sources are \$294,000 APCD Fund Balance and \$56,000 Environmental Protection Act Section 103 Near Roadway Monitoring Grant. There will be no change in net General Fund cost and no additional staff years.

## **BUSINESS IMPACT STATEMENT**

County construction contracts are competitively bid and help stimulate the local economy.

### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

12. **SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE BRADLEY AVENUE WIDENING PROJECT, ADOPT A RESOLUTION REQUESTING SANDAG TO PROVIDE ADVANCE PROJECT FUNDING, AND APPROVE A REIMBURSEMENT AGREEMENT WITH HELIX WATER DISTRICT FOR PROJECT UTILITY RELOCATION (DISTRICT: 2)**

### **OVERVIEW**

The proposed Bradley Avenue Widening and Interchange Improvement Project at State Route 67 (Project) is in the unincorporated community of Bostonia, near El Cajon. The area includes a mix of residential and commercial land uses and is located near Gillespie Field and the Gillespie Field trolley station. Bradley Avenue is currently a four-lane road west of State Route 67 (SR-67) and a two-lane road over and east of the SR-67. Bradley Avenue has limited sidewalks and pathways and no dedicated bike facilities to provide safe travel for pedestrians and bicyclists along the corridor. Community concerns regarding the operation of the interchange were raised in the 1990's and project studies were begun in the early 2000's. The road currently experiences significant traffic congestion and commuter delays during morning and evening travel times, and drivers often attempt to avoid the area by detouring on local roads.

The Project proposes to widen Bradley Avenue from west of Magnolia Avenue to east of Mollison Avenue, including replacing the bridge over SR-67. The existing freeway interchange and roadway were built over 50 years ago and can no longer accommodate the traffic demands or provide for the multimodal needs of this growing community, adversely impacting livability for residents, emergency response capabilities, and the movement of goods and services. The Project improves the roadway capacity by increasing the number of travel lanes, providing dedicated turn lanes, revising the freeway ramp entrances and exits, expanding storm water and adding water quality enhancements, and improving bicycle and pedestrian facilities.

The Project has been divided into two phases to streamline project development and minimize construction impacts for the traveling public and community. Phase 1, between Graves Avenue to east of Mollison Avenue, is located within County of San Diego (County) right-of-way. The planned work for this phase includes increasing the number of travel lanes from two lanes to four lanes, adding a dedicated center median, upgrading the old storm drain system, installing Green Streets storm water runoff treatment facilities, and providing continuous dedicated bicycle and pedestrian facilities. Construction for Phase 1 is scheduled to begin mid-2021 and be complete in late 2022. Phase 2, from Graves Avenue to west of Magnolia Avenue, includes the portions of the project that

are primarily within the State of California right-of-way and under the jurisdiction of the California Department of Transportation (Caltrans). The planned work for this phase includes replacing the Bradley Avenue Bridge over SR-67 to increase the number of through lanes from two to four, adding dedicated turn lanes to access SR-67, improving the on and off ramps from SR-67, and improving bicycle and pedestrian facilities. Construction for Phase 2 is proposed to begin after completion of Phase 1 in 2022.

This is a request to establish appropriations and approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for Phase 1 of the Project, from Graves Avenue to Mollison Avenue. The total construction cost for the County for Phase 1 is estimated at \$8,600,000, including contingency, and funding will be local sales tax revenue from TransNet. This request will also authorize the Clerk of the Board to execute a Reimbursement Agreement with Helix Water District (HWD) to recover construction costs to relocate conflicting HWD facilities during the construction of Phase 1. The Reimbursement Agreement is estimated to be \$1,300,000. Lastly, this is a request to adopt a resolution authorizing the Director of Public Works to execute a Memorandum of Agreement with SANDAG for the purpose of advancing \$16,000,000 of TransNet funds under the Advanced Funding Debt-Financing Program for the Bradley Avenue Widening and Interchange Improvement Project at State Route 67. The advanced funding will reduce the County of San Diego available TransNet funding by approximately \$2,000,000 a year for 10 years after the funds are drawn but will ensure funding is available to allow construction of Phase 2 can begin soon after Phase 1 is complete.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the California Environmental Quality Act (CEQA), Negative Declaration (ND)/National Environmental Policy Act (NEPA) Environmental Assessment dated July 2008, on file with the Department of Public Works as State Clearinghouse Number 2008051067, was completed in compliance with CEQA, State and County Guidelines, and NEPA, and the Board of Supervisors has reviewed and considered the environmental effects of the project as shown therein, prior to reaching its own conclusion on whether and how to approve the project; and

Find that there are no substantial changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously adopted ND dated July 2008, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the ND was adopted as explained in the Environmental Review Update Checklist dated July 7, 2020.

2. Authorize the Clerk of the Board to execute a Reimbursement Agreement with Helix Water District for reimbursement of all construction costs to relocate conflicting Helix Water District pipeline facilities during construction of the Phase 1 of the Bradley Avenue Widening and Interchange Improvement Project at State Route 67, estimated at \$1,300,000.
3. Establish appropriations of \$9,900,000 in the Department of Public Works Road Fund Fiscal Year 2020-21 Detailed Work Program for Phase 1 of the Bradley Avenue Widening and Interchange Improvement Project at State Route 67, based on revenues from TransNet (\$8,600,000) and Helix Water District (\$1,300,000). **(4 VOTES)**

4. Adopt a resolution entitled Resolution of the Board of Supervisors of the County of San Diego, California, Requesting the San Diego Association of Governments (SANDAG), acting as the San Diego Regional Transportation Commission, to Provide Advanced Funding of \$16,000,000 through Debt Financing for the Bradley Avenue Widening and Overpass at State Route 67 Project.
5. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a contract and to take any other action authorized by Section 401 et seq., of the County Administrative Code with respect to contracting for the construction of Phase 1 of the Bradley Avenue Widening and Interchange Improvement Project at State Route 67.
6. Designate the Director, Department of Public Works, as the County Officer responsible for administering the Phase 1 of the Bradley Avenue Widening and Interchange Improvement Project at State Route 67 in accordance with Board Policy F-41, Public Works Construction Projects.

#### **FISCAL IMPACT**

Funds for this request are not included in the Fiscal Year 2020-21 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, construction project costs for Phase 1 are estimated to be \$9,900,000, including contingency. The funding sources are revenue from TransNet (\$8,600,000) and Helix Water District (\$1,300,000). There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

County construction contracts are competitively bid and help stimulate the local economy.

#### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-180 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, REQUESTING THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG), ACTING AS THE SAN DIEGO COUNTY REGIONAL TRANSPORTATION COMMISSION, TO PROVIDE ADVANCE FUNDING THROUGH DEBT FINANCING FOR THE BRADLEY AVENUE WIDENING AND OVERPASS AT STATE ROUTE 67 PROJECT.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

13. **SUBJECT: GENERAL SERVICES ADOPT A RESOLUTION TO SUMMARILY VACATE A FLOWAGE EASEMENT, AND OFFERS OF DEDICATION FOR PUBLIC TRAILS, DRAINAGE AND ACCESS EASEMENTS OVER PORTIONS OF MAP NO. 15428 AND MAP NO. 15830 IN THE VALLEY CENTER AREA (VACATION NO. 2020-0014-A, 2020-0014-B AND 2020-0014-C) (DISTRICT: 5)**

#### **OVERVIEW**

The Asset Management Division of the Department of General Services is processing a request to summarily vacate the entirety of an existing flowage easement over a portion of Final Map No. 15830, dedicated to the County of San Diego, and offers of dedication for pedestrian trail purposes, equestrian trail purposes and drainage easements over portions of Final Map No. 15428 and Final Map No. 15830 located within the Valley Center Community Plan Area in the unincorporated community of Valley Center. A summary vacation of an existing flowage easement and offers to dedicate may be requested by the public if the easements are found to be excess public service easements not required for the purposes in which they were obtained. In many cases the vacations can be a public benefit through improved use of the land made available by the vacation.

The flowage easement is no longer needed as the Federal Emergency Management Agency (FEMA) 100-year floodplain and floodway better reflects the current conditions and allows for more effective floodplain management of the land uses in this area that are subject to a 100-year flood event. The offered dedication for pedestrian/equestrian trail easement and a drainage easement are no longer needed because those items have been determined to be excess by the easement holder and there are no other public facilities located within the offered easements.

Today's request is for the Board of Supervisors (Board) to adopt a resolution to summarily vacate a public service easement for flowage and offers of dedication for pedestrian/equestrian trail, drainage easements, together with access easements for maintenance purposes that are excess to the easement holder.

#### **RECOMMENDATION(S)**

##### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would not have a reasonably foreseeable direct or indirect effect on the environment and is not a project subject to CEQA review as it will only result in the vacation of a public service easement and offers to dedicate public trail easements that are excess to the easement holder, and that, independently, the proposed vacation is categorically exempt under State CEQA Guidelines Section 15305.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE A FLOWAGE EASEMENT, AND OFFERS OF DEDICATION FOR PUBLIC TRAILS, DRAINAGE AND ACCESS EASEMENTS OVER PORTIONS OF MAP NO. 15428 AND MAP NO. 15830 IN THE VALLEY CENTER AREA (VACATION NO. 2020-0014-A, -B AND 2020-0014-C) (DISTRICT: 5).

3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2020-0014-A, 2020-0014-B, and 2020-0014-C, pursuant to State of California Streets and Highways Code Section 8336.

#### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan in the Department of General Services. If approved, this request will result in estimated expenses of \$4,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-181 entitled: RESOLUTION TO SUMMARILY VACATE A FLOWAGE EASEMENT, AND OFFERS OF DEDICATION FOR PUBLIC TRAILS, DRAINAGE AND ACCESS EASEMENTS OVER PORTIONS OF MAP NO. 15428 AND MAP NO. 15830 IN THE VALLEY CENTER AREA (VACATION NO. 2020-0014-A, -B AND 2020-0014-C).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

14. **SUBJECT: ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE PER CAPITA GRANT PROGRAM FOR PROPOSITION 68 (DISTRICTS: ALL)**

#### **OVERVIEW**

California voters passed the California Drought, Water, Parks Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68) on June 5, 2018. Proposition 68 authorized \$4.0 billion in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects. With the passage of Proposition 68, there is approximately \$185 million in per capita grant funding available to local governments under the Per Capita Grant Program. This non-competitive grant program provides funding to support the rehabilitation, creation and improvement of local parks and to address deficiencies in neighborhoods lacking access to outdoor recreation facilities.

The County of San Diego Department of Parks and Recreation (DPR) received a Per Capita Grant Program allocation of \$5,487,140. To receive a Per Capita grant contract, DPR must submit a signed resolution approving application(s) for the grant program and one, or more, project application(s) that equal up to the amount of its allocation. Grant funds will be used for land acquisition or park development projects related to park construction, expansion, or renovation. DPR is considering multiple projects to identify which are the most competitive.



This request is to adopt a resolution authorizing DPR to apply for, and accept, up to \$5,487,140 from the Per Capita Grant Program administered by the Office of Grants and Local Services. In addition, this request would authorize the Director, DPR, or designee, to conduct all negotiations and to execute and submit all documents that may be necessary to apply for and accept the grant funds.

### **RECOMMENDATION(S)**

#### **CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.
2. Adopt a resolution entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS.
3. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests and to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.
4. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for services provided under grants.

### **FISCAL IMPACT**

There is no fiscal impact associated with today's request to apply for and accept grant funds from the Proposition 68 Per Capita Grant Program. If approved, today's actions would authorize the submittal of one, or more, project application(s) for grant funds up to \$5,487,140. A 20% match is required for projects that do not serve a severely disadvantaged community. If approved, and the grant(s) are awarded, matching funds will be provided through in-kind services in the form of County of San Diego staff time up to the amount of \$1.1 million in Fiscal Year 2020-21 for the grant projects not serving a severely disadvantaged community. The funding source is existing General Purpose Revenue in the Department of Parks and Recreation.

A waiver of Board Policy B-29 is requested because the proposed grant funding may not offset all administrative costs. If approved and a grant is awarded, any unrecovered cost per Board Policy B-29 up to \$1.1 million would be funded by existing General Purpose Revenue in the Department of Parks and Recreation.

Once projects are selected, the Department of Parks and Recreation will return to the Board of Supervisors to establish the necessary appropriations in Fiscal Year 2020-21. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-182 entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

15. **SUBJECT: ADOPT THE IMPLEMENTATION PLAN COMPONENT OF THE LOCAL COASTAL PROGRAM AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION; AND RELATED ZONING ORDINANCE AMENDMENTS (DISTRICT: 5)**

**OVERVIEW**

A Local Coastal Program (LCP) is comprised of two components, a Land Use Plan (LUP) and an Implementation Plan (IP), both of which require Board of Supervisors (Board) and California Coastal Commission (Coastal Commission) approval. The LUP establishes goals and policies for land within the Coastal Zone, and the IP establishes development regulations which implement the LUP. The Board approved the LUP on January 25, 2017 (2), and on September 12, 2018 (3), as modified by the Coastal Commission. On December 13, 2018, the Coastal Commission found the LUP legally adequate, which concluded the LUP component of the LCP. On June 26, 2019 (5), the Board approved the first reading of the Implementation Plan for the Local Coastal Program. On November 5, 2020, the Coastal Commission certified the IP with suggested modifications including updates to terminology and references, reformatting of information, and general consistency clean-up in conformance with the Coastal Act.

This is a request for the Board to evaluate and consider the IP, as modified by the Coastal Commission and associated County of San Diego's (County) Zoning Ordinance amendments, which establish a new section (Part Nine) to regulate development within the Coastal Zone and implement the policies approved in the LUP. In partnership with coastal counties and cities, the Coastal Commission plans and regulates the use of land and water in the Coastal Zone through the Coastal Act. The Coastal Zone consists of land and water area extending 1,000 yards from the sea along the coast of California. Land within the unincorporated area's Coastal Zone consists of approximately 1,050 acres located in the western areas of the San Dieguito Community Plan Area. The Coastal Act specifies policies that address issues such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works.

The Coastal Act allows the local jurisdictions to assume permitting authority for development occurring within the Coastal Zone through its LCP (with the exceptions of tidelands, submerged lands, and public trust lands). Final adoption of the certified IP will satisfy State requirements to adopt a LCP to regulate development within the County. The transfer of authority will streamline the permitting process and reduce costs for private and public projects by removing the Coastal Commission hearing and approval process.

Adoption of the IP codifies new local regulations for development (Part Nine of the County Zoning Ordinance) within the unincorporated area's Coastal Zone. The Zoning Ordinance amendments include: 1) removing and/or amending language related to development requirements pertaining to the Coastal Zone; 2) consolidating all land use regulations within the Coastal Zone to the new Part Nine; 3) specifying permitted uses and removing incompatible uses within the Coastal Zone; and 4) establishing Coastal Administrative and Coastal Development Permits permitting procedures for uses within the Coastal Zone.

**RECOMMENDATION(S)**  
**PLANNING COMMISSION**

On May 31, 2019, the Planning Commission considered the Local Coastal Program Implementation Plan and amendments to the Zoning Ordinance. The Coastal Commission changes were not substantive and did not require an additional hearing of the Planning Commission. A Planning Commission recommendation on the modifications to the Local Coastal Program Implementation Plan requested by the Coastal Commission is not required.

**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services agrees with the Planning Commission's recommendation from May 31, 2019 and recommends that the Board of Supervisors receive, accept, and agree to the Coastal Commission's resolution of certification, including the suggested modifications to the Local Coastal Program Implementation Plan.

1. Determine that the preparation and adoption of the Local Coastal Program Implementation Plan are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265 of the State CEQA Guidelines.
2. That the Board of Supervisors adopt the Resolution entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO APPROVING THE IMPLEMENTATION PLAN COMPONENT OF THE LOCAL COASTAL PROGRAM (POD 13-009) (Attachment B, on file with the Clerk of the Board).
3. That the Board of Supervisors adopt the attached Form of Ordinance entitled: AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM – IMPLEMENTATION PLAN (REZ-16-007) (Attachments C and E, on file with the Clerk of the Board).

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting the following:

Resolution No. 20-183 entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO APPROVING THE IMPLEMENTATION PLAN COMPONENT OF THE LOCAL COASTAL PROGRAM (POD 13-009); and,

Ordinance No. 10697 (N.S.) entitled: AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM - IMPLEMENTATION PLAN (REZ-16-007).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**16. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

**OVERVIEW**

Due to the COVID-19 emergency, public comments on non-agenda items were received electronically and read into the record. The following individuals submitted comments:

Charles Oswald spoke to the Board regarding Renewable Energy Projects.

Rebecca Rapp spoke to the Board regarding marijuana.

**ACTION:**

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:13 p.m.

ANDREW POTTER  
Clerk of the Board of Supervisors  
County of San Diego, State of California

Consent: Santiago  
Discussion: Zurita

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, December 9, 2020.

A handwritten signature in black ink, appearing to read "Greg Cox", is positioned above a horizontal line.

GREG COX  
Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Andrew Potter", is positioned above a horizontal line.

ANDREW POTTER  
Clerk of the Board

11/18/2020